KOBRE & KIM

800 THIRD AVENUE NEW YORK, NEW YORK 10022 WWW.KOBREKIM.COM TEL +1 212 488 1200

February 7, 2025

BY ECF AND EMAIL

The Honorable Alvin K. Hellerstein United States District Court Southern District of New York 500 Pearl Street New York, New York 10007 This motion implicates competing interests. There is an interest in evaluating this narrow set of potential impeachment evidence before trial begins. There is also a privacy interest in the personnel files requested. Accordingly, JPMC will produce, no later than Thursday, February 13, 2025, the requested documents for examination by the Court and subject to further orders of the Court.

SO ORDERED.

Re: United States v. Charlie Javice and Olivier Amar

23 Cr. 251 (AKH)

Dear Judge Hellerstein:

We write respectfully on behalf of Defendant Olivier Amar to request partial reconsideration of the Court's February 4, 2025 order granting JPMC's motion to quash a subpoena seeking personnel files in JPMC's possession, custody, and control that relate to two anticipated Government witnesses (the "Subpoena"). See ECF Nos. 255, 260. Through this motion, Mr. Amar seeks only those specific files—which JPMC admittedly possesses and has identified—for a key Government witness. As detailed below, personnel files contain documents that are relevant to showing bias, as well as critical

Documents contained within the personnel file(s) of ______... that pertain to his employment at Frank and JPMC, including documents that reflect his responsibilities, reviews of his performance, and complaints or disciplinary actions initiated by or made against him or that otherwise relate to him (whether made formally or informally).

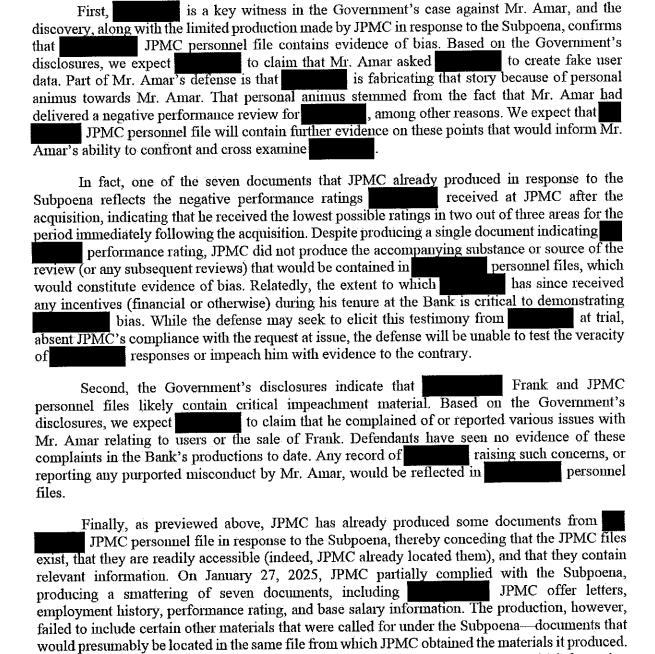
ECF No. 257, Ex. A at 3.

¹ JPMC filed its motion a few minutes before midnight on the eve of the final pretrial conference in this action. Defendants did not have the opportunity to submit an opposition brief, necessitating the instant letter motion.

² The full language of the relevant request is as follows:

Hon. Alvin K. Hellerstein, U.S.D.J. February 7, 2025 Page 2

impeachment material. We respectfully submit that the below points merit the Court's consideration.³



³ The Subpoena sought files for another Government witness, and a complete Cognizant of Your Honor's reasons for granting the motion more broadly, we do not ask for reconsideration of that request at this time. We also do not ask the Court to reconsider its ruling regarding a separate subpoena, dated January 29, 2025.

Most significantly, the production did not include: (1) any performance reviews; or (2) information

Hon, Alvin K. Hellerstein, U.S.D.J. February 7, 2025 Page 3

related to incentive compensation (even though, as noted, JPMC did produce base compensation information).4 Nor did the production contain any of the requested impeachment material (as is detailed above).

For these reasons, as well as those raised during the final pretrial conference, Defendants respectfully request that the Court reconsider its decision and order the production of personnel files.⁵

Respectfully submitted,

/s/ Alexandria E. Swette Alexandria E. Swette Sean S. Buckley Jonathan D. Cogan KOBRE & KIM LLP 800 Third Avenue New York, NY 10022 Tel: (212) 488-1200 Alexandria.Swette@kobrekim.com Sean.Buckley@kobrekim.com Jonathan.Cogan@kobrekim.com

Matthew I. Menchel 201 South Biscayne Boulevard **Suite 1900** Miami, FL 33131 Tel: (305) 967-6100 Matthew.Menchel@kobrekim.com

Erika L. Berman (admitted pro hac vice) 1919 M Street, NW Washington, DC 20036 Tel: (202) 664-1900 Erika.Berman@kobrekim.com

Counsel for Defendant Olivier Amar

⁴ Mr. Amar raised these deficiencies with counsel for JPMC by email on January 28, 2025, and again on January 31, 2025, requesting to meet and confer in advance of the pretrial conference. On February 3, 2025, counsel for JPMC responded to those requests by stating that they were "continuing to evaluate your remaining questions," and shortly thereafter filed a motion to quash without any conferral.

⁵ The redactions in this filing are intended to correspond to materials designated under the Protective Orders entered in this action. See ECF Nos. 37 & 108.

Hon. Alvin K. Hellerstein, U.S.D.J. February 7, 2025 Page 4

cc: Greg D. Andres, Sidney Bashago
Counsel for Non-Party JPMorgan Chase Bank, N.A.